

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72645

Luis A. Vega Jr.
10124 Brandon Way
Manassas, Virginia 20109

7906 Wynbrook Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 10, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC section 13-7-310, 309, failure to remove feces on a daily basis from residential property zoned DR 10.5 known as 7906 Wynbrook Road, 21224.

On January 25, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jerry Chen issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 14, 2010 for removal of trash and debris from property, daily removal of feces. This Citation was issued on January 25, 2010. This Hearing was rescheduled due to inclement weather, with written notice to Respondents.

B. Photographs in the file show numerous piles of dog feces in the rear yard of this row home, both on the paved patio and on the grassy areas along both sides of the pavement. Re-inspection on March 8, 2010 found no improvement. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

C. Review of the file shows that this property has been cited previously in 2008 and 2007 for code violations including uncollected animal feces and trash storage. Two previous citations issued to Respondents for violations of the Baltimore County Code were dismissed by the Hearing Officer on the grounds that violations under the County's Livability Code were chargeable to the property tenant and were not properly chargeable to the property owner. However, this Citation will be enforced because it has been issued for violation of the County's Public Health laws, and the property owner is responsible for this violation.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by April 7, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 22nd day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer